

1 CHARLES E. CANTER (Cal. Bar No. 263197)  
Email: canterc@sec.gov  
2 SARAH S. NILSON (Cal. Bar No. 254574)  
Email: nilsons@sec.gov  
3 YOLANDA OCHOA (Cal. Bar No. 267993)  
Email: ochoay@sec.gov

4 Attorneys for Plaintiff  
5 Securities and Exchange Commission  
Katharine Zoladz, Regional Director  
6 Douglas M. Miller, Regional Trial Counsel  
444 S. Flower Street, Suite 900  
7 Los Angeles, California 90071  
Telephone: (323) 965-3998  
8 Facsimile: (213) 443-1904

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
11

12  
13 SECURITIES AND EXCHANGE  
14 COMMISSION,

15 Plaintiff,

16 vs.

17 JONATHAN WILLIAM MIKULA, *et*  
18 *al.*,

19 Defendants.  
20  
21  
22  
23  
24  
25  
26  
27  
28

Case No. 2:22-cv-07096-SB-E

**JUDGMENT AS TO DEFENDANT  
JONATHAN WILLIAM MIKULA**

1 The Securities and Exchange Commission having filed a Complaint and  
2 Defendant Jonathan William Mikula (“Defendant”) having entered a general  
3 appearance; consented to the Court’s jurisdiction over Defendant and the subject  
4 matter of this action; consented to entry of this Judgment; waived findings of fact and  
5 conclusions of law; and waived any right to appeal from this Judgment:

6 I.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is  
8 permanently restrained and enjoined from violating, directly or indirectly, Section  
9 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C.  
10 § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using  
11 any means or instrumentality of interstate commerce, or of the mails, or of any  
12 facility of any national securities exchange, in connection with the purchase or sale of  
13 any security:

- 14 (a) to employ any device, scheme, or artifice to defraud;  
15 (b) to make any untrue statement of a material fact or to omit to state a  
16 material fact necessary in order to make the statements made, in the light of the  
17 circumstances under which they were made, not misleading; or  
18 (c) to engage in any act, practice, or course of business which operates or  
19 would operate as a fraud or deceit upon any person.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
21 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
22 binds the following who receive actual notice of this Final Judgment by personal  
23 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and  
24 attorneys; and (b) other persons in active concert or participation with Defendant or  
25 with anyone described in (a).

26 II.

27 IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED that  
28 Defendant is permanently restrained and enjoined from violating Section 17(a) of the

1 Securities Act of 1933 (the “Securities Act”), 15 U.S.C. § 77q(a), in the offer or sale  
2 of any security by the use of any means or instruments of transportation or  
3 communication in interstate commerce or by use of the mails, directly or indirectly:

4 (a) to employ any device, scheme, or artifice to defraud;

5 (b) to obtain money or property by means of any untrue statement of a  
6 material fact or any omission of a material fact necessary in order to make the  
7 statements made, in light of the circumstances under which they were made,  
8 not misleading; or

9 (c) to engage in any transaction, practice, or course of business which  
10 operates or would operate as a fraud or deceit upon the purchaser.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
12 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
13 binds the following who receive actual notice of this Final Judgment by personal  
14 service or otherwise: (a) Defendant’s officers, agents, servants, employees, and  
15 attorneys; and (b) other persons in active concert or participation with Defendant or  
16 with anyone described in (a).

17 III.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Defendant  
19 is permanently restrained and enjoined from violating Section 17(b) of the Securities  
20 Act, 15 U.S.C. § 77q(b), by the use of any means or instruments of transportation or  
21 communication in interstate commerce or by the use of the mails, to publish, give  
22 publicity to, or circulate any notice, circular, advertisement, newspaper, article, letter,  
23 investment service, or communication which, though not purporting to offer a  
24 security for sale, describes such security for a consideration received or to be  
25 received, directly or indirectly, from an issuer, underwriter, or dealer, without fully  
26 disclosing the receipt, whether past or prospective, of such consideration in the  
27 amount thereof.

28 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as

1 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
2 binds the following who receive actual notice of this Final Judgment by personal  
3 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
4 attorneys; and (b) other persons in active concert or participation with Defendant or  
5 with anyone described in (a).

6 IV.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to  
8 Sections 21(d)(1) and 21(d)(5) of the Exchange Act, 15 U.S.C. § 78u(d)(1), (5), and  
9 Section 20(b) of the Securities Act, 15 U.S.C. § 77t(b), Defendant is permanently  
10 restrained and enjoined from, directly or indirectly, including but not limited to,  
11 through any entity he owns or controls, assisting with, facilitating, or receiving  
12 compensation in any form for a Promotional Campaign related to any security. For  
13 purposes of this injunction, "Promotional Campaign" means an effort, the goal of  
14 which is to generate interest in any security by, directly or indirectly, publishing,  
15 giving publicity to, or circulating any form of written communication, whether  
16 electronic or hard copy, which, though not purporting to offer a security for sale,  
17 describes such security.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, as  
19 provided in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also  
20 binds the following who receive actual notice of this Final Judgment by personal  
21 service or otherwise: (a) Defendant's officers, agents, servants, employees, and  
22 attorneys; and (b) other persons in active concert or participation with Defendant or  
23 with anyone described in (a).

24 V.

25 Upon motion of the Commission, the Court shall determine whether it is  
26 appropriate to order disgorgement of ill-gotten gains and/or a civil penalty pursuant to  
27 Section 20(d) of the Securities Act, 15 U.S.C. § 77t(d), and Section 21(d)(3) of the  
28

1 Exchange Act, 15 U.S.C. § 78u(d)(3), and, if so, the amount(s) of the disgorgement  
2 and/or civil penalty. If disgorgement is ordered, Defendant shall pay prejudgment  
3 interest thereon, calculated from September 30, 2022, based on the rate of interest  
4 used by the Internal Revenue Service for the underpayment of federal income tax as  
5 set forth in 26 U.S.C. § 6621(a)(2). In connection with the Commission's motion for  
6 disgorgement and/or civil penalties, and at any hearing held on such a motion: (a)  
7 Defendant will be precluded from arguing that he did not violate the federal securities  
8 laws as alleged in the Complaint; (b) Defendant may not challenge the validity of the  
9 Consent or this Judgment; (c) solely for the purposes of such motion, the allegations  
10 of the Complaint shall be accepted as and deemed true by the Court; and (d) the Court  
11 may determine the issues raised in the motion on the basis of affidavits, declarations,  
12 excerpts of sworn deposition or investigative testimony, and documentary evidence,  
13 without regard to the standards for summary judgment contained in Rule 56(c) of the  
14 Federal Rules of Civil Procedure. In connection with the Commission's motion for  
15 disgorgement and/or civil penalties, the parties may take discovery, including  
16 discovery from appropriate non-parties.

17 VI.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the  
19 Consent is incorporated herein with the same force and effect as if fully set forth  
20 herein, and that Defendant shall comply with all of the undertakings and agreements  
21 set forth therein.

22 VII.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that, solely for  
24 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code,  
25 11 U.S.C. §523, the allegations in the complaint are true and admitted by Defendant,  
26 and further, any debt for disgorgement, prejudgment interest, civil penalty or other  
27 amounts due by Defendant under this Final Judgment or any other judgment, order,  
28 consent order, decree or settlement agreement entered in connection with this

1 proceeding, is a debt for the violation by Defendant of the federal securities laws or  
2 any regulation or order issued under such laws, as set forth in Section 523(a)(19) of  
3 the Bankruptcy Code, 11 U.S.C. §523(a)(19).

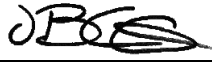
4 VIII.

5 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this Court  
6 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this  
7 Judgment.

8 IX.

9 There being no just reason for delay, pursuant to Rule 54(b) of the Federal  
10 Rules of Civil Procedure, the Clerk is ordered to enter this Judgment forthwith and  
11 without further notice.

12  
13 Dated: January 2, 2024

  
\_\_\_\_\_  
United States District Judge